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Worldwide Report

LAW OF THE SEA

No. 168



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GOVERNMENT FORMULATES FIRST PROGRAM FOR SEA EXPLORATION

Sao Paulo O ESTADO DE SAO PAULO in Portuguese 12 Jul 81 p 34

[Text] Brasilia--The illogical and unencouraged exploration of the ocean, the many overlapping research projects, the great imbalance in the teaching and development of the various oceanographic sciences, the withdrawal of the university from important investigations for the country, the absence of dissemination of technology and the fact that much of the oceanographic information about the ocean off the coast of Brazil was obtained with foreign cooperation, "not always as a result of a desirable national initiative or with an acceptable level of Brazilian participation"--these are the observations that guide the formulation of the first sector's plan on ocean resources which provides for the creation of five programs and whose basic text will be forwarded for review by the Planalto Palace at the beginning of August.

The document was prepared by the Interministerial Commission on Sea Resources (CIRM), which is headed by the Minister of the Navy; it is to be voted on in the meeting of the 30th. The drafters of the document believe that although the extent of our territorial waters represent more than 40 percent of all underwater land, the scope of activities related to the area is not at all encouraging. With the plan, they hope to guide and coordinate efforts at the national level, especially through the more judicious allocation of resources already considered insufficient for the area.

In justifying the importance of the plan, based on the general directives of the national policy for ocean resources, levied in May 1980 by the president of the republic, the experts recall that although there is a crisis in the fishing sector, FAO estimates indicate that world fishing production can be doubled through the exploitation of unusual species, increased catches of little-sought species, reduction in losses after the catch and the development of aquiculture. In addition, they emphasize the importance of the petroleum reserves on the continental shelf; the large quantity of nickel, copper, manganese and cobalt concentrated in polymetallic nodules; and the energy that can be released through the movement of waves and tides. Nevertheless, they note that it is necessary to carefully distinguish the utopia that could lead to a "race for the sea" from the realities liable to be achieved, pointing out that the fishing techniques and methods of mining must be correctly adapted to avoid the degradation of the marine environment "at all costs."

The first fact verified by the members of the CIRM is that there is not enough money available to permit all the research of interest to the country and therefore the sector's plan was formulated from a selective viewpoint. The programs established are: oceanic systems, coastal systems, ocean resources, human resources and oceanographic support.

The first of the above is aimed at acquiring reliable information about the principal recorded oceanographic phenomena, as well as about the geology of the Brazilian continental shelf. The scarcity of meteorological data is explained to some extent, according to the experts, as due to the absence of significant climatic disturbances. And little is known even about the morphology of the underwater floor, since that study is only being carried out from the standpoint of nautical cartography. To increase knowledge about the sea floor, three subprograms have been created, in which the federal and state entities involved in the matter, as well as universities, should participate.

The coastal systems program seeks to increase scientific knowledge about some of the environments on the coast of Brazil, aiming not only at exploration of resources, but also at preservation of the environment. According to the document, the research carried out along the coast rarely gives an integrated picture of the area under study, since various biological studies are done without knowing the morphology of the bottom or of the currents, or even of the tides. In addition to verifying the most viable areas for the development of aquiculture, the program will attempt to identify pollutants and to maintain the natural conditions of those areas. Within that program the estuaries of the principal rivers will also be studied, both for their physical size and for their economic and social value. The main points to be researched are the Bays of Santos, Sao Marcos, Todos os Santos, Guanabara, Ilha Grande, and Paranagua, the regions of Cabo Frio, the Marambaia reef, and the Sao Sebastiao and Lagoa dos Patos canals.

The third program encompasses living, mineral and energy resources. According to the text, there is enough biomass to double the country's production of fish by means of extractive fishing, without endangering the existing stocks. Although Brazil has not yet been able to harness the ocean's energy, the continental shelf has already contributed 35 percent of the nation's hydrocarbon production.

The CIRM will specify which species of fish are considered of primary importance for study; that study will even extend to the methods of fishing. The subprogram on mineral resources already anticipates increasing the availability of the following raw materials: hydrocarbons, sulfur, coal, polymetallic nodules, rock salt, heavy minerals (among which are gold and diamonds), limestone and construction material. The projects in the area of energy resources mainly involve the exploration of thermal changes and the movements of waves and tides.

The human resources sector is considered "at best, worrisome," taking into account the withdrawal of the university, the lack of middle level professionals, the preponderance of biology and almost total absence of chemistry in the training of personnel and few graduate courses, which, nonetheless still offer a rather diversified curriculum. To promote that field, the CIRM will carry out campaigns in the schools and the press, in addition to promoting the training of personnel, both at the middle level and at the graduate level.

The last program, that of oceanographic support, is believed to be one of the most problematic due to the country's dependence on foreign oceanographic instruments (an "almost total" dependence), with a large part of the foreign exchange credits still being spent on chemical reagents that "we could make ourselves with little difficulty." The Brazilian oceanographic fleet consists of only four boats: two belonging to the Navy and the other two to the Universities of Sao Paulo and Rio Grande do Sul. "Rounding out the fleet are about 10, if that many, smaller boats, almost all of them unequipped," say the specialists. The main subprograms in this area are focused on the nationalization of oceanographic material and on the expansion and maintenance of the existing fleet.

In addition to the Federal budget, the CIRM hopes to receive funds from the National Fund for Scientific and Technological Development and from public or private financial companies and institutions. To date, however, nothing has been determined in that area.

9845

CSO: 5200/2100

NAVY PREPARES PLAN FOR EXPLOITATION OF SEA RESOURCES

Interministerial Commission on Sea Resources

Rio de Janeiro O GLOBO in Portuguese 28 Jul 81 p 4

[Text] Brasilia--The Interministerial Commission on Sea Resources (CIRM) will meet tomorrow under the chairmanship of Navy Minister Admiral Maximiano Eduardo Fonseca, together with the secretary of the CIRM, Admiral Mucio Piragibe Bakker, to study the plan presented at the last meeting of that body to exploit ocean resources in accordance with a strategy aimed at benefiting the nutrition of the population and the energy area, obtaining raw materials, and deriving scientific knowledge and technological development.

The First Sector Plan for Sea Resources is divided into five programs--oceanic, coastal, sea resources, human, and oceanographic support systems--which will be put into practice between 1982 and 1985 and will cost 7.5 million cruzeiros, having as its fundamental basis "the principle that projects must be defined in terms of their contribution to the economic and social development of the country."

"The strategic guidelines" of the plan stress further that "it will not be sufficient to utilize only our agricultural-livestock potential, despite its constant increase (7.2 percent in 1980). The population growth and the food needs of the country require the intensive use of the live resources of the oceans in order that they may contribute to the production of basic foodstuffs for popular consumption."

The document also points out that "increasing the supply of the traditional species, as well as promoting the catching and consumption of other little-exploited live resources is essential through the development of research in the field of fishery, aquiculture and restocking."

Finally, the plan stresses the possibility of obtaining "raw materials essential for industry, such as sulfur, which could have a sea potential greater than land reserves" and cites the "polymetallic nodules--the distribution of which in the South Atlantic is practically unknown--and represent sources of nickel, cobalt, copper, manganese, and the derivatives of algae, such as the alginates, that can lead our country to export products that today make us almost totally dependent on foreign countries."

General Staff Prepares Policy

Sao Paulo O ESTADO DE SAO PAULO in Portuguese 31 Jul 81 p 6

[Text] The Navy General Staff is preparing a national sea policy that would encompass the already existing sector policies, such as naval defense and refine some policies, such as those pertaining to sea resources and patrolling the Brazilian coast. That was revealed to ESTADO DE SAO PAULO and JORNAL DA TARDE today by Navy Minister Maximiano da Fonseca, after chairing the meeting of the Interministerial Commission on Sea Resources (CIRM), where the First National Sea Resources Plan was approved and will be sent to the Planning Secretariat and later the Presidency of the Republic.

The minister stressed that the country has sector policies pertaining to the sea but it plans to prepare a comprehensive document that formulates general and integrated policies. The matter is still in the initial phase of study and Maximiano Fonseca did not want to set time schedules for completion of the project.

Coast Guard

Another matter pointed out by the navy minister was the absence of a coast guard in our country. "We have more than 6,000 kilometers of coast and the navy is not the police." He said that the matter is being analyzed and he pointed out that every country has a coast guard. "Look at the case of the Superintendency for the Development of the Fishing Industry (SUDEPE)," he cited as an example, "which is not in a position to control fishing because of a lack of ships." He said also that there are no definite time schedules for the creation of that service.

Sea Resources

According to the minister, the main objective of the plan prepared by the Executive Secretariat is to coordinate the actions aimed at exploiting ocean resources, "which are currently disjointed, especially as regards research."

The Presidency of the Republic will receive the document accompanied by a justifying covering memo from the navy minister and the chief of the Planning Secretariat of the Presidency of the Republic. The navy proposal is that the plan be carried out in 4 years and be allocated about 7.5 billion cruzeiros.

The idea is to operate through five subprograms: oceanic systems, coastal systems; sea resources; human resources; and oceanographic support.

The executive secretary of the CIRM, Admiral Mucio Piragibe Bakker, considers it the first rational attempt made by the country to "move eastward." The experts who prepared the text support the importance of the program by pointing to the irrational and lackluster exploitation of the ocean, the lack of involvement of the universities in priority research, the absence of the demarcation of the Brazilian territorial waters and morphological studies on the seabed.

Another CIRM concern is the irrational occupation of the coast, especially as pertains to the destruction of the mangrove areas. Admiral Bakker pointed out

that it is necessary to be aware of the fact that the mangroves are areas for the reproduction of sealife and consequently the basis of the reproduction of fisheries resources. He specifically cited the case of Maranhao where part of the mangroves are being illegally occupied—there is federal legislation in that regard—by real estate companies that cut them down to subdivide the land.

"Our Sea" Campaign

The CIRM plans to launch a campaign called "Our Sea," aimed at making government officials, congressmen, businessmen and students at all levels aware of the potential of the sea. Another objective is, through the campaign, to obtain financial resources.

The campaign will include a series of films on television and in the movies, in addition to talks and contacts with various organizations. The CIRM plans to include under the topic "Brazilian Problems" matters connected with the resources and uses of the sea, and to promote water sports and increase the consumption of fish. In that connection, the CIRM is going to try to arrange, through the Superintendency for the Development of the Fishing Industry (SUDEPE), for the provision of cheap fish for first grade lunches in the public schools.

8711

CS0: 5200/2103

RADIO COMMENTS ON LAW OF SEA CONFERENCE

AB112106 Lagos International Service in English 1630 GMT 11 Aug 81

[Station commentary]

[Text] Delegates from more than 150 countries meeting in Geneva, Switzerland, in the 10th session of the United Nations Law of the Sea Conference need mutual agreement on a comprehensive law of the sea. The delegates found common ground on the 440 articles of the law aimed at regulating human activities over two-thirds of the surface covered by water.

The current session of the Law of the Sea Conference is expected to continue until the end of August and there is the likelihood that it could be extended beyond that time. The session is a follow-up of a previous one which took place between 9 March and 24 April this year. Last week's agreement was reached after more than 7 years of negotiations.

Conference sources stated that a final accord could not be reached until the Reagan administration in Washington completes its review of the draft treaty. The United States is said to be concerned about proposals for mining disputed minerals which lie beyond the national limits and wishes to ensure that private companies are not excluded. But the main purpose of the Law of the Sea Conference is to assemble relevant information for an international convention to govern exploitation of its ocean floor by nations and the use of its many valuable resources. The current session is expected, also, to examine the two Geneva conventions of 1968 on the exploitation of ocean resources. The conventions include the one on the territorial sea, its contiguous zone and the continental shelf. The other is the convention on searching and conservation of the living resources of the high seas. Both conventions are often jointly referred to as the Geneva settlement.

However, it will be noted that since 1968 when both conventions were first initiated they have been the subject of international controversy. Many states refuse to accept the conventions, objecting to one clause or the other. This led to the convening of the first international conference on the law of the sea under the auspices of the United Nations in 1973. The clause on the exploitation of the continental shelf, in particular, was singled out for criticism and the convention regarding the continental shelf.

The criticisms can be best understood on two grounds. The first is that advances in technology since 1968 have opened up exploration activities in the ocean belt beyond the limits envisaged by the Geneva convention. Secondly, there is the view among Third World nations that the exploitation of the resources of the ocean floor will be dominated by the technological and financially advanced nations if the convention is not significantly revised.

Under international law, each nation has jurisdiction over the resources of the ocean floor and seabed up to 3 miles after its natural boundaries. This is the area commonly referred to as the country's territorial waters and a violation of this area in any way is regarded as a breach of international law. But beyond the limits of national jurisdiction, the resources of the seabed, the ocean's floor and its sub-soil [word indistinct] are supposed to be the common heritage of mankind. The area outside the 3-mile shelf is not subject to appropriation by any nation or claim to sovereignty and it is expected to be exploited for future purposes and the mutual benefit of all nations.

However, it will be noted that there are instances where some countries have ignored their traditional 3-mile territorial waters for economic reasons. An example is the dispute over fishing rights between Britain and Iceland which caused Britain to extend its territorial waters over 100 miles into the sea.

The importance of the Law of the Sea Conference can be fully appreciated when it is realized that experts contend that the depleting resources of the world can only be significantly replenished by a greater exploitation of the wealth of the ocean floor.

It is believed that the potential of the seabed and ocean floor had never been adequately explored and exploited by mankind and that they contain many valuable mineral resources that are not in the world. Besides, the conference is expected to regulate oil spillages and the disposal of waste as well as reinforce the ban on nuclear tests on the ocean floor stipulated by previous international conventions.

CSO: 5200/4968

DANISH FISHERMEN FEAR OVERFISHING OF HERRING BY EC COUNTRIES

Copenhagen BERLINGSKE TIDENDE in Danish 27 Jul 81 pt III p 1

[Article by Ib Christensen]

[Text] Fisheries Minister Karl Hjortnaes will make a strong protest today at the EC Fishing Council meeting in Brussels against the EC Commission's proposal to reopen the North Sea to herring fishing in an area west of Scotland and near the English Channel. Fishermen's organizations strongly support the minister's opposition.

Danish fishermen fear that new herring supplies from the North Sea will knock the bottom out of herring prices which have been unusually good during the 3-year ban. Denmark has exported large quantities of herring, especially from Skagerrak, to Germany and Holland which could not get enough herring during the ban.

Legalizing Illegal Fishing

In addition the fishermen don't believe they would be allowed to make substantial catches in the two proposed zones, which call for 65,000 and 27,000 tons respectively for 1981, because Danish fishermen have done very little fishing in these waters in the past. The Ministry of Fisheries, the Danish Ocean Fishing Association and the Danish Fishermen's Association feel the EC Commission issued the proposal only after pressure was brought to bear by Belgium and France. The two lands apparently do a lot of illegal herring fishing in spite of the ban which has acquired a certain legitimacy simply because of the presentation of the proposal.

Denmark will not accept reopening the area unless herring can be caught throughout the North Sea. A quota division is artificial according to the industry. At today's meeting the Danish delegation will also point out that it would be impossible in practice to insure against widespread overfishing. The two quotas are very small and must be regarded as already having been used up as a result of the illegal fishing.

Great Britain Says Yes

The British delegation, on the other hand, will recommend the commission's proposal but will not insist strongly on adopting a formal quota system, according

to diplomatic sources. The British minister of fisheries who is leading the discussions is expected to limit the agenda to a few not too controversial issues so the meeting does not end in open conflict.

Fishing biologists in individual EC countries violently disagree among themselves on whether it is worth recommending a lifting of the herring ban. Advisers to the Ministry of Fisheries, however, do not believe North Sea herring can tolerate the reopening of fishing there at this time.

The fisheries ministers of the EC lands will also discuss agreements with third lands. Here Denmark will place most emphasis on setting up an agreement giving the Faeroes access to EC waters. The reason why this particular agreement has been assigned top priority is that the Faeroes are very dissatisfied with the past efforts of the Danish government.

As part of the Danish nation the Faeroes want access to Greenland and the rest of the EC ocean area but previously found no support for their views either in Copenhagen or in Brussels. Great Britain has been the only EC land to refuse to grant the Faeroes access to Greenland waters and Faeroese fishermen are bitter over the fact that Denmark has not tried to break down the British opposition.

The Faeroese fishing industry is going through one of its worst crises at this time and feels that inadequate Danish support would lead to a catastrophe for the entire Faeroese community.

After the Faeroes the Danish delegation will give second priority to an agreement with Sweden. Danish fishermen want to be allowed to catch more herring, cod and especially salmon in the Swedish zone of the Baltic. But not much is expected to come out of today's negotiations because all Denmark can offer in return is 1000 tons of herring.

West Germany will probably repeat its demand for a fishing agreement between EC and Canada which would give West German fishermen access to Canadian waters but disagreement on this within EC is still substantial. Earlier this year Great Britain blocked a similar proposal because British fishermen feared the cheap Canadian fish imports would threaten the industry.

The fisheries minister will also take a stand on appropriating 200 million kroner to aid coastal fishing in the poorer EC areas, an increase of 25 percent over last year.

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CSO: 5200/2108

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